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Finally, the plan proposed by Professor Commons is open to constitutional objections, although these could, of course, be removed by constitutional amendment. The plan seems to presuppose that the voting shall be confined to the official candidates, as is at present the case in England. All framers of ballot laws have, however, been exceedingly careful not to insist on this requirement, believing it to be unconstitutional. (See *Bowers vs. Smith*, 111 Mo. 45.)

Such are some of the objections which may be advanced to the concrete plan of representation advocated by Professor Commons. Further, it may be said that his book as a whole is destructive rather than constructive. More space is devoted to showing the injustice of our present system — a large part of which would probably remain under any plan of representation that might be devised — than to proving the advantages of proportional representation. The argument that proportional representation would result in the election of better men is, moreover, based on hope rather than experience, for the experience of the countries which have adopted the system does not show that the election of better men has followed. The real reason why it has been adopted in some places is to be found in the fact that representation by general ticket, which was more or less the rule before the adoption of the system of proportional representation, had resulted in giving control to the minority rather than to the majority. It is to this fact rather than to dissatisfaction with a properly arranged district system of representation that the success of the movement for proportional representation, so far as it has been successful, is due. Finally, it is strange that a book which is evidently intended to be an exhaustive criticism of the various plans of representation, and which in other respects carries out this intention so well, should make no mention of the Bernitz method of counting votes, under the plan of cumulative voting upon which so much stress is laid by Mr. Forney in his excellent little book on the representation of minorities. This is all the more remarkable, since a perusal of Professor Commons's book shows that he is familiar with the work that Mr. Forney has done.

F. J. GOODNOW.

Les Assemblées Provinciales de la Gaule Romaine. Par ERNEST CARETTE, Docteur en Droit, Avocat à la Cour de Paris. Paris, Alphonse Picard & Fils, 1895. — 503 pp.

M. Carette has treated an interesting theme with German minuteness of research and German prolixity of statement. The Celtic assemblies of the period preceding the Roman conquest and

the assemblies held under Cæsar's auspices are briefly described, chiefly to show that no connection existed between these gatherings and the provincial *concilia* of the Empire, which form the subject of this treatise. Starting as annual meetings of the new state-church for the worship of Rome and Augustus, the provincial councils became of increasing political importance. Composed of delegates from the various *municipia*, they were the natural organs for the expression of provincial sentiment, and they gave the central government a valuable means of controlling the provincial governors. The councils were encouraged to send embassies (*legationes*) to Rome for the presentation of their desires and grievances, and for the accusation of dishonest governors. Mommsen's belief that they distributed the imperial taxes is not shared by M. Carette: he holds that their financial business consisted simply in auditing the accounts of their own sacro-political treasury, and in making appropriations for the maintenance of the cult of Augustus, for the erection of monuments, for the traveling expenses of delegates, etc. The presidency of the council was vested in the *sacerdos* or *flamen* of Augustus. His position was one of great dignity, and of no slight expense, since he was expected to defray the costs of the annual games celebrated in connection with the meetings of the council. His term of office was for a year, and after its expiration he was, as *sacerdotalis*, a life member of the council.

From the early part of the third to the early part of the fifth century we hear nothing of these councils. The author does not believe that they ceased to exist, and he gives ingenious reasons for the lack of any information regarding them. When they come into view again, they are purely political bodies. With the recognition of Christianity, the *sacerdos provinciae* first loses his sacerdotal functions and then disappears. The councils of the later Empire, as M. Carette believes, elected their presiding officers. The provincial councils had decreased in importance, because the provinces were much smaller; and there were now councils of groups of provinces. At Arles there was a council of the diocese. In the fifth century as in the second, these assemblies expressed desires and formulated complaints; and they sent *legati* to the Emperor to prosecute corrupt officials. The composition, however, of these bodies had changed: in addition to the leading citizens (*principales*) of the municipalities, the *honorati* — the members of that aristocracy which held most of the land and all of the imperial offices — had seats and voices in the councils of dioceses and provinces.

After the conquest of Gaul by the barbarians, the Roman councils disappeared. The last recorded gathering of the Gallo-Romans was an assembly of spiritual and temporal magnates which approved the *lex Romana Visigothorum*. The traditional composition of the Roman councils, the author thinks, may have exercised some influence upon the composition of the provincial estates of the middle ages ; but the real successors of those councils were the councils of the Gallican church. The ecclesiastical councils, as he shows, preserved many traces of the old provincial assemblies ; and he cites with approval the remark of M. Fustel de Coulanges : "The Christian church bore within herself a copy of the Imperial institutions and a portion of the Imperial spirit. Through the church the political traditions and the administrative habits of the Empire passed to succeeding generations."

M. Carette's book gives much collateral information regarding the political and social condition of Gaul during the different periods of the Empire, especially during the transition from heathenism to Christianity at the beginning of the fourth century and during the following century and a half of decadence. The stratification of Roman society, its separation into hereditary castes, is clearly indicated. Throughout the work the author has consulted the original sources, including the inscriptions, with great care, and his references to the French literature are very full. The foreign literature is but sparingly cited: the opinions of German scholars are frequently taken at second hand from French writers. M. Carette's use of epigraphic material is sometimes rather bold ; for example, a statement that the vote in council authorizing the erection of a statue was probably taken by secret ballot, is largely based upon a conjectural "*per tabellas*" in the plaque of Narbonne—a restoration in which everything except the two last letters is hypothetical (p. 148). The description of Odoacer as "*roi des Lombards*" (p. 476) is an inexplicable slip in so erudite a writer.

By way of supplement the author gives the names of all persons known to have belonged to the provincial assemblies of Roman Gaul ; a partial bibliography of the general subject of the councils ; a heliogravure of the plaque of Narbonne, discovered in 1888, with its bibliography ; and the famous edict of Honorius (A.D. 418) organizing the assembly of the seven provinces of southern Gaul, with its bibliography. The entire work is carefully indexed.

It is surprising that such a work as this can be put on the market at such a low price, namely, six francs.

MUNROE SMITH.